

REMARKS

I. **Status of claims**

This amendment is responsive to the Office Action dated May 18, 2009. Claims 1-33 are pending in this application. By this Amendment, claims 1 and 33 have been amended. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

II. **Claim Rejections**

A. **Rejection under 35 U.S.C. §101**

Claims 1-15 and 33 have been rejected under 35 U.S.C. §101 based on an allegation of non-statutory subject matter. This rejection is respectfully traversed.

The independent claims as amended all define statutory subject matter. Claims 1 and 33 as amended are directed to a computer-implemented method tied to a particular machine. The amendments to the claims are supported in the specification, for example, on pages 13 and 14 of the specification in the description of FIG. 3 and on page 11, first full paragraph. All of the aforementioned claims fully comply with the statutory requirements of 35 U.S.C. §101.

The claims define a process falling within the categories of statutory subject matter defined by 35 U.S.C. §101. The pending claims are not directed to any exception to 35 U.S.C. §101 statutory categories, which include abstract ideas, laws of nature, and natural phenomena as set forth in MPEP 2106. 35 U.S.C. §101 creates statutory categories and exceptions to those statutory categories. The claims of the application fall squarely within the defined statutory categories including a process, machine, manufacture, or composition of matter and do not fall within any of the exceptions to statutory subject matter.

Because all of claims 1-33 qualify as statutory under the guidelines set forth in 35 U.S.C. §101, withdrawal of the rejection is respectfully requested.

B. Rejection of claims 1-6, 9-21, and 29-32 under 35 U.S.C. §103

Claims 1-6, 9-21, and 29-32 have been rejected under 35 U.S.C. §103(a) over U.S Patent Publication No. 2002/0095481, to George et al. (hereinafter “George”) in view of U.S. Patent No. 6,009,410 to LeMole et al (hereinafter “LeMole”) and U.S. Patent Publication No. 2005/0010472 to Quatse et al. (hereinafter “Quatse”). This rejection is respectfully traversed.

The obviousness rejection is improper for at least the following reasons: (1) the references cited fail to teach or suggest all the claim elements; (2) the citations and interpretation of the references are not coherent or self-consistent; and (3) there is simply no reason or motivation for combining the bits and pieces of these references.

George discloses a system that is useful for customers to customize receipt of information from vendors. The customization is achieved by storing customer behaviors in response to receipt by the customer of system data. George discloses associating customer behavior with stored products by a set of rules and sending an email to the customer based on the relationship between the customer behavior and the stored products.

In contrast, the claimed system manages communications for an organization such that content, data, and rules can be delivered to multiple presentation channels in a media independent format. The content and data are combined based on the rules at the presentation channels in order to deliver communications having specific content and physical layout.

In addition to having a fundamentally different character to that of the claimed invention, George fails to disclose several features of the pending claims. For example, with respect to independent claim 1, George fails to disclose a computer-implemented method for management and delivery of content and rules. George *does not “deliver” rules in any sense of the word.* Whereas the rules of claim 1 are delivered to the presentation channels, the “rules” of George are applied, but never delivered.

As acknowledged in the Office Action, George further fails to disclose the plurality of rules controlling a logical combination and physical layout of the plurality of data and plurality of content. George also fails to disclose packaging, using the computer processor, the plurality of rules with the plurality of content in a carrier that is independent from multiple presentation channels, wherein at least part of the plurality of content is integrated with at least part of the plurality of data. In fact, George fails to “package” rules at all. George merely applies rules to determine delivered content.

George further fails to disclose delivering the plurality of data and the carrier to the multiple presentation channels. As set forth in claim 1, the carrier contains rules, and George fails to deliver rules. The “e-mail content merge program” and “server 116” described in paragraph 19 of George do not perform the steps of packaging rules with content or delivering data and carrier (with the packaged rules and content) to presentation channels. The “e-mail content merge program” and “server 116” in George are themselves part of a presentation channel that performs the step of integrating data with content immediately before communicating to customers. No delivery of rules is contemplated. The table below provides a quick comparison of what is being packaged/delivered in the claimed invention versus in George’s disclosure —

	Claimed Invention (claim 16)	George (para. 19)
What is packaged?	“the plurality of rules with the plurality of content”	“at least one product data set”
In what form?	“a carrier that is independent from the multiple presentation channels”	“a communications message, such as an e-mail message”
What is delivered?	“the plurality of data and the carrier” (<i>containing rules</i>)	“a communications message, such as an e-mail message”
Delivery to whom?	“to the multiple presentation channels”	“to the customer”

George also fails to disclose integrating, using processing tools at the multiple presentation channels, the plurality of data with the plurality of content based on the plurality of rules in order to logically integrate the data and content and control the physical layout of the integrated data and content. Finally, George also fails to disclose distributing the integrated data and content through the multiple presentation channels.

The Office Action alleges on page 5, last full paragraph, that LeMole discloses the plurality of rules controlling a logical combination and physical layout of the plurality of data and plurality of content, citing column 7, lines 36-55 of LeMole. Applicant respectfully submits that the cited portion of LeMole simply fails to disclose “the plurality of rules controlling a logical combination and physical layout of the plurality of data and content.” Furthermore, in addition to this failure, LeMole fails to obviate the deficiencies of George noted above. LeMole fails to *deliver rules* as required by claim 1. LeMole is directed to controlling the presentation of a web page and thus centrally controls the content without delivering rules to multiple presentation channels. Accordingly, LeMole also fails to deliver rules and subsequently apply the rules to form the logical combination and physical layout of claim 1. LeMole also fails to

disclose packaging the rules with the content in a carrier that is independent from multiple presentation channels.

The Office Action further states on page 6, that Quatse is provided for its disclosure of multiple presentation channels, referencing paragraph 36 of Quatse. Quatse also fails to obviate the deficiencies of George. Quatse also fails to deliver rules. Quatse further fails to disclose packaging the rules with the content in a carrier that is independent from multiple presentation channels.

Thus, even if combined, all three of the applied references lack at least the following features of claim 1: (1) delivering rules; (2) packaging the rules with the content in a carrier that is independent from multiple presentation channels; and (3) integrating, using processing tools at the multiple presentation channels, the plurality of data with the plurality of content based on the plurality of rules in order to logically integrate the data and content and control the physical layout of the integrated data and content.

Thus, even if combined, George, LeMole, and Quatse would not have resulted in the inventions set forth in the above-identified claims. Accordingly, a *prima facie* case of obviousness cannot be established. In order to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). That is, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970); *In re Edward S. Lowry*, 32 F.3d 1579, 1582 (Fed. Cir. 1994).

Additionally, the fact that the Office Action cited the same paragraph from George against three distinct elements recited in claim 16 shows inconsistency in this ground of rejection. On pages 4-5, the Office Action cited paragraph 19 from George (construction of an e-mail message") as allegedly disclosing the "processor module," "delivery module" and "presentation channels" with the respective packaging, delivering and integrating functions as recited in claim 16. However, these elements and functions are clearly different from one another based on the plain language of the claim, and therefore this is not a situation where the Examiner could kill three birds with one stone.

Furthermore, applicant respectfully submits that no motivation would have been present for the asserted combination. For example, the Office Action asserts that it would have been obvious to modify George by using rules to control a logical combination and physical layout of data and content since "this would increase the probability of presenting information that is of particular interest to the particular user." However, adding this suggested modification would actually not change the information presented.

Furthermore, with respect to Quatse, the Office Action asserts that it would have been obvious to include the multiple presentation channels "in order to reduce the negative effects of distributing offers on paper." (page 6, paragraph 2 of the Office Action.). However, since George does not distribute offers on paper, this motivation appears to be nonsensical.

Additionally, the Office Action cites Quatse for its disclosure of "multiple presentation channels" as if multi-channel content management is just one discrete piece. The reference would not teach an ordinary artisan how to transform disclosures of discrete-channel content

management in (such as George and LeMole) into the multi-channel content management of the present invention.

Additionally, there is no reason to combine the applied references as none of them is related to content management for multiple channels as presently claimed. Out of the three applied references, George and LeMole are related to content management. However, both of them fall into the category of “single-functioned” (or single-channel) methods which Applicant has already criticized in the “Background of the Invention” section. *See* Present Application at page 2, line 14 – page 3, line 6. That is, George and LeMole are each concerned with one communication channel only – for George it is E-mail messages and for LeMole it is Internet ads. Quatse discloses little (if anything) on content management and instead describes a targeted marketing methodology.

References should not be combined simply because they are combinable. The Examiner must articulate some reason or motivation for a person of ordinary skill to combine them. In the present case, no such reason or motivation exists to modify George or LeMole with Quatse to coordinate content management among multiple channels.

Furthermore, it is not at all necessary for George to package rules with content before delivering the carrier to multiple channels as George deals with only one channel (i.e., E-mail). Applicant has not found any other portion of the cited references that could remedy this deficiency.

Claims 2-6 and 9-15 depend from claim 1 and therefore define over the art of record for at least the reasons set forth above with respect to claim 1.

With respect to independent claim 16, this claim includes parallel limitations to those described above with respect to claim 1. Accordingly, the references in combination fail to disclose or render obvious the invention of claim 16 for the reasons set forth above. Furthermore, applicant notes that the Office Action repeatedly misquotes the language of claim 16. For example, on page 4, the Office Action refers to "and one or more presentation channels", when claim 16 requires multiple presentation channels as set forth above with respect to claim 1.

Claims 17-21, 29, and 30 depend from claim 16 and are thus allowable over the art of record for at least the reasons set forth above with respect to claim 16.

Claims 31 and 32 are independent means-plus-function and computer-readable medium claims respectively. These claims include limitations parallel to those referenced above with respect to claim 1 and are accordingly allowable over the art of record for the reasons set forth above. Withdrawal of the rejection of claims 1-6, 9-21, and 29-32 under 35 U.S.C. §103(a) is respectfully requested.

C. Rejection of claims 7, 8, 22, 23, and 33 under 35 U.S.C. §103

Claims 7, 8, 22, 23, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over George and LeMole in view of Quatse and in further in view of Todd (U.S. Pub. No. 2003/0061057). This rejection is hereby respectfully traversed.

Todd fails to obviate the deficiencies of the references discussed above. Thus, with respect to claim 7, 8, 22, and 23, these claims depend from claims 1 and 16 respectively and are thus also allowable over the art of record.

Claim 33 is an independent claim including limitations that parallel those of the independent claims discussed above. Accordingly, claim 33 is allowable over the art of record for at least the reasons set forth above.

Thus, because the references, even if combined would not have resulted in the invention of claims discussed above, and further because no motivation would have been present to modify George in the stated manner, the references fail to render obvious the invention of the above-identified claims. Withdrawal the rejection under 35 U.S.C. §103 is therefore respectfully requested.

III. Treatment of claims 24-28 on the merits

Applicant notes that the grounds for rejection of claims 24-28 was not specifically provided. However, claims 24, 26, 27, and 28 were mentioned on pages 9-11 of the Office Action and therefore Applicant assumes that these claims are subject to rejection B discussed above. However, claim 25 is completely missing from the body of the Office Action and has not been treated on the merits. Treatment of claim 25 is respectfully requested.

IV. Conclusion

As set forth above, applicants respectfully submit that all claims are in condition for allowance. Withdrawal of all rejections and prompt passage to issuance are earnestly requested. In the event Applicants have overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 50-4494.

Should the Examiner have any questions regarding any of the above, the Examiner is respectfully requested to telephone the undersigned at 202-346-4016.

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